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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,399	11/20/2001	Takuya Tamaru	PW 027 7023 H7616US	6309

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Roger R. Wise  
Pillsbury Winthrop LLP  
Suite 1200  
725 South Figueroa Street  
Los Angeles, CA 90017-5443

EXAMINER

BATTAGLIA, MICHAEL V

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/990,399

Applicant(s)

TAMARU ET AL.

Examiner

Michael V Battaglia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 and 21 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of species a (Figs. 1 and 2) in the reply filed on May 24, 2004 is acknowledged. Claims 7-20 have been cancelled. Claims 1-6 and 21 are pending.

### *Priority*

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

3. Figures 7 and 14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

4. The disclosure is objected to because of the following informality. On line 14 of page 58, replacing "multiples" with -multiplies— is suggested. Appropriate correction is

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required. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections - 37 CFR § 1.75***

5. Claim 1 and therefore claims 2 and 3 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. On lines 13-17 of claim 1, "adding the second information into the contents information such that the second index information is written on the track together with the contents information; and recording the contents information progressively on the track at the second progression rate" was found to be confusing. Did Applicant intend to instead state -- adding the second information into the contents information; and recording the second index information together with the contents information progressively on the track at the second progression rate--? Appropriate correction is required.

***Citation of Relevant Prior Art***

6. Ishimura et al (US 6,424,615) discloses a multi-volume recording apparatus that records volumes having a higher recording density than the density according to CD format by recording the volume with its own index information added to the contents information (Cols. 2 and 8). Heemskerk et al (US 6,577,574) discloses recording index information on tracks of an optical disc that increases at a pseudo-tempo different from an actual tempo to create a pseudo-running time of the optical disc that is longer than the actual running time

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of the disc (Cols. 2 and 3). Chao et al (US 6,711,107) discloses a recording apparatus that records in CAV even when the existing data is in a CLV format (Abstract). Torozawa et al (US 6,339,571) discloses a recording apparatus capable of recording at different recording densities without having to change data format of the disc (Abstract).

*Allowable Subject Matter*

7. Claims 1-6 and 21 contain allowable subject matter.

In regard to claim 1, none of the references of record alone or in combination disclose or suggest a method of recording contents information in a track of an **optical disk having first index information recorded along the track, the first index information indicating absolute position or time at a first progression rate along the track**, comprising: generating second index information when a second progression rate along the track is different from the first progression rate determined by the first index information; and **adding the second information into the contents information; and recording the second index information together with the contents information progressively on the track at the second progression rate.**

In regard to claims 4-6 and 21, none of the references of record alone or in combination disclose or suggest an optical disk recording apparatus for recording contents information on a track of an **optical disk having first index information recorded along the track, the first index information indicating absolute position or time along the track at a first progression rate** the apparatus comprising: a recording section that successively modulates a laser beam by the contents information and irradiates the modulated laser beam onto the optical disk to thereby record the contents information on the track at a

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second progression rate; a generating section that generates second index information when the second progression rate along the track is different from the first progression rate determined by the first index information; and **a feeding section that feeds the generated second index information and the contents information to the recording section at a clock rate corresponding to the second progression rate along the track, thereby enabling the recording section to write the second index information on the track together with the contents information at the second progression rate.**

### *Conclusion*

8. This application is in condition for allowance except for the formal matters noted above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V Battaglia whose telephone number is (703) 305-4534. The examiner can normally be reached on 5-4/9 Plan with 1st Friday off.

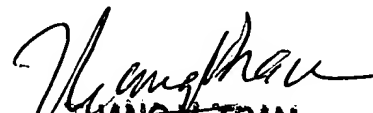
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Battaglia

  
THANG N. TRAN  
PRIMARY EXAMINER